

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----  
X  
: **TIMOTHY RINALDI and**  
: **CLAUDIA RINALDI,**

Plaintiffs,

:  
-against-  
:  
:

SCAG POWER EQUIPMENT,  
a Division of Metalcraft of Mayville, Inc.,

Defendant.

-----  
X  
: **ORIGINAL**

: **ECF CASE**

:  
: *See Paul #25*  
: *E 651286*  
08 CV 1702 (KMK)

NOTICE OF MOTION  
FOR ADMISSION  
PRO HAC VICE OF  
DONALD H. CARLSON

SIRS:

PLEASE TAKE NOTICE that pursuant to Rule 1.3(c) of the Local Rules of the  
United States District Courts for the Southern and Eastern Districts of New York, I, Brian  
J. Carey, Esq., a member in good standing of the bar of this Court, hereby moves for an  
Order allowing the admission *pro hac vice* of:

Donald H. Carlson, Esq. (DC 8567)  
CRIVELLO CARLSON, S.C.  
710 North Plankinton Avenue  
Milwaukee, Wisconsin 53203  
Tel.: (414) 271-7722  
Fax: (414) 271-4438  
E-Mail: dcarlson@crivellocarlson.com

Mr. Carlson is a member in good standing of the Bar of the State of Wisconsin.

There are no pending disciplinary proceedings against Mr. Carlson in any State or  
Federal Court.

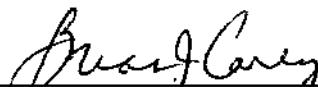
In support of this motion, annexed hereto is an Affidavit of Brian J. Carey, Esq.,  
sworn to on the 20<sup>th</sup> day of June, 2008. No brief is necessary in support of this motion

since it raises no issue of law and the relief sought is wholly within the Court's discretion.

PLEASE TAKE FURTHER NOTICE that the undersigned requests waiver of oral argument and submission of this motion pursuant to Rule 78 of the Federal Rules of Civil Procedure.

Dated: New York, New York  
June 20, 2008

By:

  
\_\_\_\_\_  
Brian J. Carey, Esq. (BC 8041)  
McELROY, DEUTSCH, MULVANEY  
& CARPENTER, LLP  
Wall Street Plaza  
88 Pine Street, 24<sup>th</sup> Floor  
New York, New York 10005  
Tel.: (212) 483-9490  
Fax: (212) 483-9490  
Email: [bjcarey@mdmc-law.com](mailto:bjcarey@mdmc-law.com)  
*Attorneys for Defendant*  
*SCAG Power Equipment,*  
*a Division of Metalcraft of Mayville, Inc.*

TO: Lawrence T. D'Aloise, Jr. (LTD 7155)  
CLARK, GAGLIARDI & MILLER, P.C.  
*Attorneys for Plaintiffs*  
The Inns of Court  
99 Court Street  
White Plains, New York 10601  
(914) 946-8900

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----x  
TIMOTHY RINALDI and : ECF CASE  
CLAUDIA RINALDI, : 08 CV 1702 (KMK)  
  
Plaintiffs, :  
-against- :  
SCAG POWER EQUIPMENT, :  
a Division of Metalcraft of Mayville, Inc., :  
  
Defendant. :  
-----x

STATE OF NEW YORK )  
COUNTY OF NEW YORK )  
SS

Brian J. Carey, being duly sworn, deposes and says:

1. I am a member in good standing of the bar of this Court. I am associated with the firm of McElroy, Deutsch, Mulvaney & Carpenter, LLP, counsel for defendant, SCAG Power Equipment, a Division of Metalcraft of Mayville, Inc., in this matter.

2. This Affidavit is made in support of the motion seeking the admission *pro hac vice* of Donald H. Carlson, Esq., in this action, pursuant to Rule 1.3 (c) of the Local Civil Rules of the United States District Courts for the Southern and Eastern Districts of New York.

3. Mr. Carlson is an attorney in the law firm of Crivello Carlson, S.C., 710 North Plankinton Avenue, Milwaukee, Wisconsin 53203, Telephone Number: (414) 271-7722, Facsimile number: (414) 271-4438, and E-Mail: [dcarlson@crivellocarlson.com](mailto:dcarlson@crivellocarlson.com).

4. An Affidavit executed by Mr. Carlson is attached as Exhibit A. As set forth therein, Mr. Carlson is a member in good standing of the Bar of the State of New Wisconsin (admitted June 26, 1966).

5. A Certificate of Good Standing issued by the Supreme Court of the State of Wisconsin on June 3, 2008 evidencing Mr. Carlson's good standing before the Bar of the State of Wisconsin is attached hereto as Exhibit B.

6. I have found Mr. Carlson to be a skilled attorney and a person of integrity. He is experienced in Federal practice and is familiar with the Federal Rules of Procedure.

7. I believe that Mr. Carlson will conduct himself in the manner required of attorneys admitted to practice in this Court *pro hac vice*, and I therefore respectfully request that he be allowed to practice *pro hac vice* in this matter for the purposes of representing defendant SCAG Power Equipment, a Division of Metalcraft of Mayville, Inc.

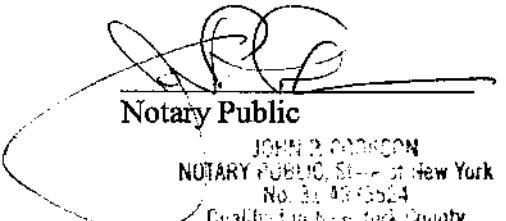
8. A proposed form of Order is submitted as Exhibit C.



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Brian J. Carey, Esq.

Sworn to before me this  
20<sup>th</sup> day of June, 2008



Notary Public

JOHN D. CARLSON  
NOTARY PUBLIC, State of New York  
No. 01-07-15524  
Qualified in New York County  
Commission Expires 6/19/05

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----x	:	ECF CASE
TIMOTHY RINALDI and	:	
CLAUDIA RINALDI,	:	08 CV 1702 ( KMK )
	:	
Plaintiffs,	:	
	:	AFFIDAVIT OF
-against-	:	DONALD H. CARLSON
	:	SUPPORT OF MOTION
SCAG POWER EQUIPMENT,	:	FOR ADMISSION
a Division of Metalcraft of Mayville, Inc.,	:	PRO HAC VICE
	:	
Defendant.	:	
	:	
-----x		

Donald H. Carlson, being duly sworn, hereby deposes and says as follows:

1. I am a member and shareholder of Crivello Carlson, S.C., located at 710 N. Plankinton Avenue, Milwaukee, Wisconsin, Telephone number (414) 271-7722, Facsimile number: (414) 271-4438, and E-Mail: [dcarlson@crivellocarlson.com](mailto:dcarlson@crivellocarlson.com).

2. I submit this Affidavit in support of the motion for my admission *pro hac vice* in this case on behalf of defendant SCAG Power Equipment, a Division of Metalcraft of Mayville, Inc. ("SCAG").

3. This is a products liability action in which plaintiffs allege to have been injured as the result of an incident involving a lawnmower manufactured by SCAG.

4. I am a licensed attorney in the State of Wisconsin and have been since June 26, 1966.

5. I have also been admitted to practice before the following Courts: Supreme Court of the United States, admitted on April 22, 1985; Supreme Court of Iowa, admitted on June 17, 1966 (non-active); U.S. Court of Appeals, Seventh Circuit; and the U.S. District Court, Eastern and Western Districts of Michigan; United States District

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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TIMOTHY RINALDI and  
CLAUDIA RINALDI,

Plaintiffs,

-against-

SCAG POWER EQUIPMENT,  
a Division of Metalcraft of Mayville, Inc.,

Defendant.

-----x  
ECF CASE

08 CV 1702 (KMK)  
*Fee paid \$25  
E 651286*

NOTICE OF MOTION  
FOR ADMISSION  
PRO HAC VICE OF  
DONALD H. CARLSON

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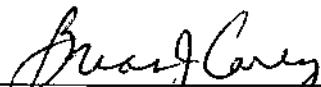
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Dated: New York, New York  
June 20, 2008

By:

  
\_\_\_\_\_  
Brian J. Carey, Esq. (BC 8041)  
McELROY, DEUTSCH, MULVANEY  
& CARPENTER, LLP  
Wall Street Plaza  
88 Pine Street, 24<sup>th</sup> Floor  
New York, New York 10005  
Tel.: (212) 483-9490  
Fax: (212) 483-9490  
Email: [bjcarey@mdmc-law.com](mailto:bjcarey@mdmc-law.com)  
*Attorneys for Defendant*  
*SCAG Power Equipment,*  
*a Division of Metalcraft of Mayville, Inc.*

TO: Lawrence T. D'Aloise, Jr. (LTD 7155)  
CLARK, GAGLIARDI & MILLER, P.C.  
*Attorneys for Plaintiffs*  
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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CLAUDIA RINALDI, :  
Plaintiffs, :  
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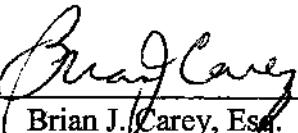
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8. A proposed form of Order is submitted as Exhibit C.



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Brian J. Carey, Esq.

Sworn to before me this  
20<sup>th</sup> day of June, 2008



Notary Public

JOHN D. ODESSON  
NOTARY PUBLIC, State of New York  
No. 31-05-0524  
Qualified in New York County  
Commission Expires 6/19/05

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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1. I am a member and shareholder of Crivello Carlson, S.C., located at 710 N. Plankinton Avenue, Milwaukee, Wisconsin, Telephone number (414) 271-7722, Facsimile number: (414) 271-4438, and E-Mail: [dcarlson@crivellocarlson.com](mailto:dcarlson@crivellocarlson.com)

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3. This is a products liability action in which plaintiffs allege to have been injured as the result of an incident involving a lawnmower manufactured by SCAG.

4. I am a licensed attorney in the State of Wisconsin and have been since June 26, 1966.

5. I have also been admitted to practice before the following Courts: Supreme Court of the United States, admitted on April 22, 1985; Supreme Court of Iowa, admitted on June 17, 1966 (non-active); U.S. Court of Appeals, Seventh Circuit; and the U.S. District Court, Eastern and Western Districts of Michigan; United States District

Court for the Northern District of Texas; United States District Court for the Northern District of Texas; the United States District Court for the Central District of Illinois; the United States District Court for the District of Nebraska; and the U.S. Court of Federal Claims.

6. In accordance with the Local Rules of the Southern District, a copy of a Certificate of Good Standing issued by the Supreme Court of Wisconsin issued within the last thirty days is submitted herewith.

7. I am a member in good standing and eligible to practice in the Courts listed above and there are no disciplinary proceedings against me in any jurisdiction.

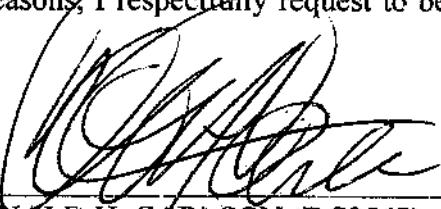
8. I have never been disbarred or subject to disciplinary proceedings by any Court.

9. I have never been the subject of contempt proceedings in any Court.

10. SCAG has specifically requested that I appear on its behalf in this matter.

11. McElroy, Deutsch, Mulvaney & Carpenter, LLP, with offices at Wall Street Plaza, 88 Pine Street, 24<sup>th</sup> Floor, New York, New York, is local counsel to SCAG in this action.

12. Based on the foregoing reasons, I respectfully request to be admitted *pro hac vice* in this matter.



DONALD H. CARLSON (DC8567)

Sworn to before me this  
21<sup>st</sup> day of April, 2008

Becky Radtke  
Notary Public



David R. Schanker  
Clerk

# WISCONSIN SUPREME COURT

## OFFICE OF THE CLERK

110 E. Main Street, Suite 215  
P.O. Box 1688  
Madison, WI 53701-1688

Telephone: 608-266-1880  
TTY: 800-947-3529  
Fax: 608-267-0640  
<http://www.wicourts.gov>

## CERTIFICATE OF GOOD STANDING

*I, David R. Schanker, Clerk of the Supreme Court of Wisconsin certify that the records of this office show that:*

**DONALD H. CARLSON**

*was admitted to practice as an attorney within this state on June 26, 1966 and is presently in good standing in this court.*

*Dated: June 3, 2008*

A handwritten signature in black ink, appearing to read "DRS".  
**DAVID R. SCHANKER**  
*Clerk of Supreme Court*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

TIMOTHY RINALDI and  
CLAUDIA RINALDI,

## ECF CASE

08 CV 1702 (KMK)

**Plaintiffs,**

-against-

**CERTIFICATE OF SERVICE**

**SCAG POWER EQUIPMENT,  
a Division of Metalcraft of Mayville, Inc.,**

Defendant.

Brian J. Carey, Esq., an attorney duly admitted to practice in the United States District Court, Southern District of New York, hereby certifies pursuant to Fed. R. Civ. P. 5 that on June 20, 2008 I arranged for service of a true and accurate copy of the within Notice of Motion for admission *pro hac vice* of Donald H. Carlson, Esq., and all supporting papers, via mail with the United States Postal Service in New York, New York, upon the following:

Lawrence T. D'Aloise, Jr. (LTD 7155)  
CLARK, GAGLIARDI & MILLER, P.C.  
The Inns of Court  
99 Court Street  
White Plains, New York 10601  
Tel.: (914) 946-8900  
Fax: (914) 946-8960  
E-Mail: [ldaloise@cgmlaw.com](mailto:ldaloise@cgmlaw.com)  
*Attorneys for Plaintiffs*